

to indicate that the defendant was failing to comply with the decision of October 11, 1944, and the case was thereupon dismissed without imposition of sentence.

2378. Misbranding of Estromone. U. S. v. Endo Products, Inc. Plea of guilty. Fine, \$900. (F. D. C. No. 17848. Sample Nos. 31429-H, 31442-H, 31443-H.)

INFORMATION FILED: March 17, 1947, Eastern District of New York, against Endo Products, Inc., Richmond Hill, N. Y.

ALLEGED SHIPMENT: On or about March 31 and May 10, 1945, from the State of New York into the State of California.

LABEL, IN PART: "Endo Estromone."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Estrogenic Substance Derived from Equine Urine" and "Estrogenic Substance derived from pregnant mares' and stallions' urine" were false and misleading. The statements represented and suggested that the estrogenic material present in the article was estrogenic substance as it occurs in and is extracted from natural sources, i. e., pregnant mares' and stallions' urine and equine urine. The estrogenic material present in the article was not estrogenic substance as it occurs in and is extracted from natural sources.

Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient, since the designation "Estrogenic Substance" is not the specific name of any particular substance but is a generic name for a class of substances.

DISPOSITION: May 20, 1948. A plea of guilty having been entered, the court imposed a fine of \$300 on each of the three counts of the information.

2379. Misbranding of mixed estrogenic substance in oil. U. S. v. 38 Cartons * * *. (F. D. C. No. 23975. Sample No. 22487-K.)

LIBEL FILED: November 17, 1947, Western District of Texas.

ALLEGED SHIPMENT: On or about October 15, 1947, by Henry C. Haist & Co., from Kansas City, Mo.

PRODUCT: 38 cartons, each containing 1 30-cc. vial, of *mixed estrogenic substance in oil* at San Antonio, Tex.

LABEL, IN PART: (Vial) "30 CC. Multiple Dose Vial Mixed Natural Estrogenic Substance in Oil 10,000 International Units Per CC."; (carton) "10,000 I. U. Per CC. * * * Manufactured for M. L. Claytor & Company San Antonio, Texas."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Mixed Natural Estrogenic Substance in Oil 10,000 International Units [or "10,000 I. U."] Per CC. * * * A solution of mixed natural occurring estrogens, derived from pregnant mare's urine, consisting principally of estradiol and estrone, in sesame oil. Rated as estrone." were false and misleading, since the statements represented and suggested that the article consisted of a solution in oil of estrogens obtained from pregnant mares' urine equivalent in potency to 10,000 International Units of estrone per cubic centimeter, whereas the article did not possess such composition.

DISPOSITION: January 23, 1948. Default decree of forfeiture and destruction.

2380. Misbranding of Marcillin. U. S. v. 7 Jugs * * *. (F. D. C. No. 23089. Sample No. 91872-H.)

LIBEL FILED: June 25, 1947, District of New Mexico.

ALLEGED SHIPMENT: On or about April 15, 1947, by Metabolic Research Laboratories, from Detroit, Mich.

PRODUCT: 7 1-gallon jugs of *Marcillin* at Central, N. Mex. Examination showed that the product consisted essentially of material extracted from bile dissolved in water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Physiologically active by skin absorption * * * A skin inunction treatment, useful in protein deficiency and biliary deficiency states; also in specific, virogenic, metabolic and allergic infections or syndromes" were false and misleading, since bile is not physiologically active by skin absorption and is not

effective by inunction in treatment of protein deficiencies and biliary deficiency states, and in specific, virogenic, metabolic, or allergic infections and syndromes.

DISPOSITION: April 1, 1948. Default decree of condemnation and forfeiture. The product was subsequently destroyed.

2381. Misbranding of Ostabs Antiseptic Mouthwash Tablets. U. S. v. 41 Bottles, etc. (F. D. C. No. 23986. Sample No. 18218-K.)

LIBEL FILED: November 28, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 8, 1947, by Ostab Laboratories, Inc., from Buffalo, N. Y.

PRODUCT: 41 125-tablet bottles, 82 50-tablet bottles, and 168 20-tablet bottles of *Ostabs Antiseptic Mouthwash Tablets* at Cleveland, Ohio. Examination showed that the product was not antiseptic when prepared as directed, i. e., "Dissolve One Ostab Tablet in Glass of Water and Stir."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "*Ostabs Antiseptic Mouthwash Tablets*" was false and misleading as applied to an article which was not antiseptic.

DISPOSITION: April 7, 1948. Default decree of condemnation and destruction.

2382. Misbranding of Ultra-Tone Magic Salve. U. S. v. 87 Tubes, etc. (F. D. C. No. 23953. Sample Nos. 33014-K, 33015-K.)

LIBEL FILED: November 7, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about July 15, 1947, by the Ultra Chemical Products, from Honolulu, Hawaii.

PRODUCT: 87 ½-ounce tubes and 27 14-gram tins of *Ultra-Tone Magic Salve* at San Francisco, Calif. Examination showed that the product contained salicylic acid, benzoic acid, and boric acid, in a petrolatum base.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article was efficacious in the treatment and prevention of fungi itch, barbers' itch, insect bites, ringworm, pimples, scabies, eczema, boils, cuts, itchy skin, scaly skin conditions, and irritations caused by external factors, whereas the article was not efficacious in the treatment and prevention of such disease conditions.

DISPOSITION: February 27, 1948. Default decree of condemnation and destruction.

2383. Misbranding of A-1 Salve No. 2, A-1 Salve, and A-1 Sulphur Soap. U. S. v. 66 Cartons, etc. (F. D. C. No. 23189. Sample Nos. 71144-H to 71149-H, incl.)

LIBEL FILED: June 13, 1947, Southern District of California.

ALLEGED SHIPMENT: From Chicago, Ill., by the Wizard Products Co. The products were shipped on or about April 7 and May 9, 1947, and a number of placards were shipped on or about February 7 and April 7, 1947.

PRODUCT: 134 cartons each containing a circular headed "A-1 Salve No. 2" and one 2-ounce or 4-ounce jar of *A-1 Salve No. 2*, 287 cartons each containing a circular headed "A-1 Salve" and one jar of *A-1 Salve*, and 60 cartons, each containing one cake, of *A-1 Sulphur Soap* at Los Angeles, Calif., together with a number of placards headed "Skin Disorders or Mycotic Infections," "Wizard Products Company Try A-1 Salve," and "Use A-1 Sulphur Soap." Analyses disclosed that the *A-1 Salve No. 2* was an ointment containing a fatty oil, lanolin, ichthammol, and a small proportion of a manganese compound; that the *A-1 Salve* was an ointment containing petrolatum, lanolin, sulfur, salicylic acid, zinc oxide, and chemically combined iodine; and that the *A-1 Sulphur Soap* was soap mixed with sulfur.

NATURE OF CHARGE: *A-1 Salve No. 2* (2-ounce size). Misbranding, Section 502 (a), certain statements in the circular enclosed with the jars of the article were false and misleading, since they represented and suggested that the article was effective for ulcers due to infections; that it was effective by reason of its ichthammol content in a large variety of skin diseases, especially in acne and furunculosis; that it contained tannic acid, which is the standard treatment for all serious burns; that affected areas of the skin treated with the article would be remedied rapidly; and that the article would be useful in the